

REMARKS

Claims 16, 17 and 27 have been rejected under 35 USC 112(2) as being indefinite based on antecedent problems. Claims 16, 17 and 27 have been cancelled, rendering the rejection moot.

Claim 27 has been rejected under 35 USC 102(b) as being clearly anticipated by U.S. patent no. 4,961,987 ("Okuno"), or alternately to U.S. patent no. 5,465,184 ("Pickering"). Claim 27 has been cancelled, rendering the rejection moot.

Claims 2, 3, 5, 6, 16-20, 22 and 24-26 have been rejected under 35 USC 103 as being unpatentable over U.S. patent 3,184,349 ("Burwen") in view of U.S. patent no. 3,185,600 ("Dullberg"), published patent application 2001/0035577 ("Akram") and further in view of Okuno. Applicants respectfully traverse this rejection in view of the amendment because the cited references do not disclose or suggest every element of any pending claim, as the following analysis shows.

Claims 18 and 26 each recite that the material is immediately brought to room temperature following the cryogenic cooling process. Support for this limitation may be found in the specification at page 9 lines 3-5. None of the cited references disclose or suggest this. Claims 2, 3, 5 and 6 depend from claim 26, while claims 19, 20, 22, 24 and 25 depend from claim 18, and these claims therefore contain the same limitations not disclosed or suggested by the cited references.

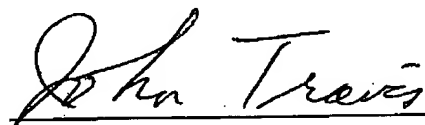
CONCLUSION

For the reasons noted above, applicants respectfully submit that claims 2, 3, 5, 6, 18-20, 22, 24, 25 and 26 are in condition for allowance. Additionally, authorization is hereby given to credit any overpayment or to charge any deficiencies in connection with this communication to Deposit Account No. 02-2666. The Examiner is invited to telephone the undersigned to help expedite any further prosecution of the present application.

Respectfully submitted,

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APPENDIX A

Marked-Up Version of Amended Claims

18. (Amended twice) A method comprising:
- changing a microstructure of a material of a heat sink from a fine grain to a coarse grain by heating the material to an elevated temperature; [and]
- lowering the temperature of the heat sink to a cryogenic temperature; and
- immediately bringing the material up to room temperature subsequent to said lowering.
26. (Amended) A method comprising:
- providing a heat sink of a material having a grain size increased by heating of the material to improve thermal conductivity of the heat sink; [and]
- subjecting the heat sink to a cryogenic temperature to strengthen the material; and
- immediately bringing the heat sink to room temperature after said subjecting.